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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,584	03/08/2004	Clark R. Baker JR.	TYHC:0149/FLE (P0409R)	1106
52144	7590	05/20/2011	EXAMINER	
NELLCOR PURITAN BENNETT LLC			ROY, BAISAKHI	
ATTN: IP LEGAL			ART UNIT	PAPER NUMBER
6135 Gunbarrel Avenue				3777
Boulder, CO 80301				
NOTIFICATION DATE		DELIVERY MODE		
05/20/2011		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.lcgal@ovidien.com

Advisory Action After the Filing of an Appeal Brief	Application No. 10/796,584	Applicant(s) BAKER, CLARK R.
	Examiner BAISAKHI ROY	Art Unit 3777

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 11 February 2011 is acknowledged.

1. The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

- a. The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
- b. The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. Other: _____

/Tsc Chen/
Supervisory Patent Examiner, Art Unit 3777

/B. R./
Examiner, Art Unit 3777

Claims 1-27 are currently pending. Claims 1-4, 6-16, and 18-22 are currently rejected. Claims 5 and 17 include allowable subject matter, and claims 23-27 are withdrawn.